



ELECTION NEWS

A special informational bulletin on the implementation of Michigan's new "consolidated elections" legislation

Michigan Department of State - Terri Lynn Land, Secretary of State

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Precinct Boundaries for 2006 Election Cycle Must Be Finalized by January 10, 2006

Pursuant to Michigan election law, the boundaries of all precincts which will be used to administer elections in 2006 must be finalized no later than January 10, 2006. Any precinct boundary alterations made by the January 10, 2006 deadline must go into effect no later than February 9, 2006. (MCL 168.661(2))

Authority to change precincts: In a township, the approval of all planned precinct boundary changes must be granted by the local election commission. In a city, the approval of all planned precinct boundary changes must be granted by the local election commission or other officials charged with the performance of the duty by the city's charter.

Information on altered precinct boundaries required: If your jurisdiction alters any precinct boundaries, please forward a map showing your *new* precinct boundaries, a map showing your *former* precinct boundaries and a record of the action taken to effect the change to the attention of Dave Tarrant, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726.

The information will be used to ensure that the Qualified Voter File is properly programmed for your city or township. If you have any need for assistance with this request, please feel free to contact the QVF Help Desk at (800) 310-5697.

Precinct boundary requirements: Michigan election law stipulates that all precincts “shall be composed as nearly as practicable of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.” A “clearly observable boundary” is defined under the law as follows:

- A named road or street.
- A road or highway that is part of the federal, state primary, or state secondary road system.
- A river, stream, or drainage feature that is 40 feet or more in width.
- A natural or constructed permanent physical feature that is shown on an official county, city, or township map issued by the Department of Transportation or a United States geological survey topographical map. (A school district boundary line can be used to define a precinct boundary line.)
- An apartment building, a dormitory, or other permanent multiple-unit housing structure.

If the observance of the above precinct boundary requirements is impossible due to the particular geographic features of your jurisdiction, please advise this office in writing as soon as possible. While this office does not have the authority to waive the precinct boundary requirements, we will be happy to assist you in any way possible with any difficulties you may encounter in complying with the requirements.

Precinct size limits and voting station minimums: An optical scan precinct must not contain more than 2,999 registered voters. At least one voting station must be provided for each 300 registered voters.

Important caution regarding voting station formula: The voting station minimum provided above (one station for each 300 registered voters) must be exceeded when and where appropriate after careful consideration has been given to the projected turnout, length of the ballot and the number of voters each voting station can handle per hour. If, after the election commission has considered these three factors, it appears that the number of voting stations needed in each precinct to ensure the orderly conduct of the election exceeds the minimum requirements, the minimum requirements must be exceeded as appropriate. The election commission does not have the option of following the minimum voting station requirements after it has been determined that the minimum is inadequate for the election at hand.

Candidates Elected on November 8 Must File a “Post-Election Campaign Finance Statement” Before Assuming Office

Michigan election law, MCL 168.848, requires any candidate elected to office on the state, county or local level to file an affidavit prior to assuming office which states that at the date the affidavit was executed “all statements, reports, late filing fees, and fines required of the candidate or a candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”

- The affidavit is not required of an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the form to the filing official designated to receive the elected candidate's campaign finance disclosure filings.
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by a "fine of not more than \$500.00 or imprisonment for not more than 93 days, or both." An elected candidate who falsifies the statement is guilty of perjury punishable by a "fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both."

The Post-Election Campaign Finance Compliance Statement form is available on the Bureau's website under "Publication and Forms" <www.michigan.gov/sos>.

Procedure for Filling Township Office Vacancies Created for Reasons Other than Recall Modified

Michigan election law, MCL 168.370, was recently amended under PA 71 of 2005 to shift the responsibility for calling special elections to fill township office vacancies created for reasons other than recall from the Governor to the local county clerk in those instances where the scheduling of such an election is required. The scheduling of such an election is required in instances where the township board or the county board of election commissioners fails to fill the vacant township position "within 45 days after the beginning of the vacancy." (The county election commission is responsible for filling township offices by appointment if the number of vacancies on the township board "cause the number of members serving on the township board to be less than the minimum number of board members than is required to constitute a quorum for the transaction of business by the board.")

PA 71 of 2005 further stipulates that in an instance where the county clerk is required to schedule a special election to fill one or more township offices vacancies, the nominees for the vacancy or vacancies are certified by the township level political party organizations; a primary is not conducted. The deadline for the certification of the nominees elapses at 4:00 p.m. on the fifteenth day after the county clerk calls the special election.

In instances where a township office vacancy is created due to the recall of the township officer holding the position, a special election must be scheduled under Michigan election law, MCL 168.971, to fill the position.

Upper Peninsula Field Office Moved to Marquette

The Bureau's Upper Peninsula field office, formerly located in Ishpeming, has been moved to Marquette. The office is staffed by Peter Dishnow.

New field office address: Peter Dishnow, Elections Specialist, 2025 U.S. 41 West, Marquette, MI 49855.

New field office phone number: (906) 226-2432.

Toll free line: (800) 366-5885 (toll free number remains the same).

New Fax: (906) 226-2504

Proposed Affidavit of Identity Form Revision: Your Comments Are Needed!

A proposed revision to the Affidavit of Identity form in use throughout the state is attached for your review and comment.

The proposed revision eliminates the "campaign finance compliance statement" check off box and incorporates the required campaign finance compliance language in the attestation which must be signed by the candidate at the bottom of the form.

Please direct any comments you may have on the proposed revision to Steve Luck of this office. Contact information is provided below. The receipt of any comments you may have no later than December 16, 2005 would be appreciated.

Mr. Steve Luck
Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, MI 48901-0726
Phone: (517) 373-2540
Fax: (517) 241-1592
Email: Lucks@michigan.gov

If the response to the proposed form revision is favorable, the revision will be implemented statewide. Further information will be provided if the revision is adopted for use.

PLEASE COMPLETE SECTIONS I, II, III AND IV BELOW (Print or Type) – See Reverse Side for Important Notifications

AFFIDAVIT OF IDENTITY

All candidates seeking elective office in Michigan must submit an Affidavit of Identity (two copies) when filing. A candidate who fails to file Affidavits of Identity as required is ineligible to appear on the ballot (MCL 168.558 as amended under PA 163 of 2002).

A. CHANGE OF NAME

Michigan election law, MCL 168.558, stipulates that a candidate who is “not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth” must indicate his or her full former name on the Affidavit of Identity. The requirement to indicate a name change on the Affidavit of Identity does *not* apply if:

- The candidate’s name was formally changed 10 or more years ago.
- The candidate’s name was changed in a Certificate of Naturalization issued by a federal district court 10 or more years ago.
- The candidate’s name was changed because of marriage.
- The candidate’s name was changed through divorce to a “legal name by which the individual was previously known.”

Michigan election law provides that a candidate required to indicate a name change on the Affidavit of Identity must be listed on the ballot “with his or her current name and former name as prescribed by the Secretary of State.” (MCL 168.560b)

B. APPEARANCE OF NAME ON BALLOT

Michigan election law provides the following stipulations regarding the manner in which a candidate can have his or her name printed on the ballot:

- A candidate “may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot.”
- A candidate “may specify that either an initial or a recognized diminutive for the candidate’s given name or middle name, or for both, shall appear on the ballot.”
- A candidate may *not* use a “nickname that is not a recognized diminutive of the candidate’s given name or middle name” on the ballot.
- A married person may *not* use his or her spouse’s given name, middle name or a diminutive of his or her spouse’s given name or middle name on the ballot.

C. MAILING ADDRESS

A candidate who wishes to receive communications from the Michigan Department of State’s Bureau of Elections at an address other than his or her residential address should enter a “mailing address” where indicated. (Note: A candidate may list a P.O. Box for his or her “mailing address”; a candidate may *not* list a P.O. Box for his or her residential address.)

If a “mailing address” is listed, it will be shown on the candidate listings prepared and distributed by the Bureau. If a “mailing address” is *not* listed, the candidate’s residential address will be shown on the candidate listings prepared and distributed by the Bureau. All candidate listings prepared by the Bureau are posted on the Bureau’s website for public access.

D. JUDICIAL CANDIDATES

Place a check in the box before “Incumbent Position” if the candidate is seeking a judicial office for which the incumbent is seeking reelection.

Place a check in the box before “Non-Incumbent Position” if the candidate is seeking a judicial office for which the incumbent is *not* seeking reelection.

Place a check in the box before “New Judgeship” if the candidate is seeking a newly created judicial seat.

E. CAMPAIGN FINANCE ACT COMPLIANCE STATEMENT

All federal, state, local and judicial candidates are required to form a committee and meet financial disclosure obligations. For further information, contact your filing official.

Candidates running for a federal position should contact the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Toll free line: (800) 424-9530.

Candidates running for a state or judicial position should contact the Michigan Department of State’s Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Phone: (517) 373-2540.

Candidates running for a local position should contact their local county clerk’s office.

Candidates who are exempt from Michigan’s Campaign Finance Act are limited to those individuals who seek 1) the office of U.S. Senator or U.S. Representative in Congress 2) a precinct delegate position and 3) a school board position in a district with a pupil count of 2,400 or less. (School board position exemption does not apply if candidate spends or receives over \$1,000.00 for election.)

F. WITHDRAWAL OF FILING

Candidates who wish to withdraw a filing submitted for an elective office must submit a written withdrawal statement to their filing official no later than the third day after the applicable filing deadline.